



AF13683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Donald L. Nisley, et al.

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Group Art Unit: 3683

Serial No.: 09/938,793

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Examiner: Torres, Melanie

Filed: August 24, 2001

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For: SEALING SYSTEM FOR BEARING
ASSEMBLY

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Atty Docket: DODG:0044/YOD
01RE025

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Commissioner for Patents SEP 10 2003

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37 C.F.R. 1.8

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September 2, 2003
Date

Carla Deblaw

Sir:

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT

This Petition is being filed in response to the Notice of Abandonment mailed on August 11, 2003 (Exhibit 1). The Notice states that the above-referenced application has been abandoned for failure to timely file a proper reply to the Office letter mailed on January 22, 2003 (Exhibit 2). In view of the remarks set forth below, Applicants respectfully request withdrawal of the Notice of Abandonment.

On April 30, 2003, Applicants filed a Request for Continued Examination (RCE) (Exhibit 3); a Preliminary Amendment (Exhibit 4); a Petition for a One-Month Extension of Time (Exhibit 5); and a Facsimile Transmission sheet (Exhibit 6). The Transaction Report (Exhibit 7) and the Auto-Reply Facsimile Transmission sheet (Exhibit 8) received from the Patent Office evidences that these materials were received by the Patent Office on April 30, 2003.

In view of these facts, a proper reply to the Office Action mailed on January 22, 2003 was filed in a timely manner, so the above-referenced application was not abandoned and should not now be considered abandoned. Accordingly, it is respectfully requested that the attached documents be accepted and entered into the file for the above-referenced application. It is further respectfully requested that the Commissioner withdraw the Notice of Abandonment and reinstate the application.

It is not believed that any fees are required for filing this Petition due to the mistake being on the part of the Patent Office. However, the Commissioner is authorized to charge Deposit Account No. 01-0857; Order No. 01RE025/YOD (DODG:0044) for any fees which may be required.

Respectfully submitted,



Ralph A. Graham
Reg. No. 47,607
(281) 970-4545

Date: September 2, 2003

CORRESPONDENCE ADDRESS
ALLEN-BRADLEY COMPANY, LLC
Patent Department/704P Floor 8 T-29
1201 South Second Street
Milwaukee, Wisconsin 53204
Attention: Mr. Alexander Gerasimow
Phone: (414) 382-2000